

UNITED STATES DISTRICT COURT  
for the  
District of Nebraska

United States of America

v.

Erik Martinez

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Case No: 8:12CR334

USM No: 25159-047

Jessica L. Milburn

Defendant's Attorney

Date of Original Judgment: 10/02/2013  
Date of Previous Amended Judgment: \_\_\_\_\_  
(Use Date of Last Amended Judgment if Any)

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 57 months is reduced to 46 months.

*(Complete Parts I and II of Page 2 when motion is granted)*

The defendant shall not be released any earlier than November 1, 2015.

Except as otherwise provided, all provisions of the judgment dated 10/02/2013 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 09/22/2015

s/ Richard G. Kopf  
*Judge's signature*

Effective Date: 11/01/2015  
*(if different from order date)*

Richard G. Kopf, Senior United States District Judge  
*Printed name and title*

**This page contains information that should not be filed in court unless under seal.**  
*(Not for Public Disclosure)*

Erik Martinez

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 8:12CR334

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: 25

Amended Total Offense Level: 23

Criminal History Category: I

Criminal History Category: I

Previous Guideline Range: 57 to 71 months

Amended Guideline Range: 46 to 57 months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

The reduced sentence is within the amended guideline range.

The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

Filing nos. 109 and 110 are granted as provided herein.